दे दी गयी जिसके कारण पांच चालू हो गये हैं। बाकी जो 9 तीन मैट्रोज में यानी दिल्ली, कोलकोता और चेन्नई में जो स्टेशंस हैं, वह 29 अगस्त तक चालू हो जाएंगे। उन्होंने बेसिन को पैसा दे दिया, हम लोगों को लाइसेंस फी दे दी है। जो नान मैट्रोज हैं, उनमें से भी पांच चालू हो गये हैं और 6 ने फर्स्ट ईयर की लाइसेंस फीस दे दी है। वह 29 दिसम्बर तक वैलिड है और 29 दिसम्बर को वह दूसरी भी दे देंगे। डैडलाइन आलरेडी दी जा चुकी है, नान मैट्रोज को 29 दिसम्बर तक की और मेट्रो वालों को 29 अगस्त, 2003 तक की। इस डैडलाइन के साथ वह ऐग्रीमेंट्स चल रहे हैं और यह 25 स्टेशंस इस डैडलाइन के साथ आपरेशनलाइज हो जाएंगे, यह जानकारी मैं आपको देना चाहती हूं।

श्री हरीश रावत: सभापति महोदय आल इंडिया रेडियो की जो कवरेज है, वह राष्ट्रीय कवरेज की तुलना में जो पर्वतीय क्षेत्र हैं, सीमांत क्षेत्र हैं, उनमें बहुत कम है। आपने अपने उत्तर में कहा है कि दसवीं पंचवर्षीय योजना में आप आल इंडिया रेडियो की कवरेज के क्षेत्र को बढ़ाने जा रही हैं। मेरा आपसे अनुरोध है कि क्या आप जो पर्वतीय क्षेत्र हैं, सीमांत क्षेत्र हैं, उनमें आल इंडिया रेडियो की कवरेज बढ़े उसके लिए कोई विशेष कदम उठा रही हैं उसमें विशेष तौर पर मैं उत्तरांचल का जिक्र करना चाहूंगा जो आपका अपना राज्य भी है, जहां का आप प्रतिनिधित्व करती हैं। वहां कुछ लो ट्रांसमीटर्स लगे हुए हैं, क्या उनको अपग्रेड करने की वर्तमान पंचवर्षीय योजना में कोई योजना है, कोई प्रस्ताव है?

श्रीमती सुषमा स्वराज: सभापति महोदय, पहले तो मैं यह बता दूं कि इस सवाल के जवाब में केवल एफ.एम. की कवरेज के लिए हमने कहा। ऑल इंडिया रेडियो केवल एफ.एम. की कवरेज नहीं करता, मीडियम वेव से और शॉर्ट वेव से भी कवर करता है। मीडियम वेव और शॉर्ट वेव से लगभग पूरा देश कवर्ड है। आज भी अगर रेडियो की प्रासंगिकता कहीं बनती है तो वह दूर-दराज के क्षेत्रों और पर्वतीय क्षेत्रों में कहीं ज्यादा बनती है। टेलीविजन से कहीं ज्यादा वहां रेडियो देखा जाता है। इसीलिए जहां तक कवरेज का सवाल है, जो पंचवर्षीय योजना में मैंने पचास फीसदी कवरेज की बात की है, वह केवल एफ.एम. के कवरेज की बात की है। लेकिन मीडियम वेव और शॉर्ट वेव से इनफार्मेशन और इंटरटेनमेंट सारा जा रहा है। जहां तक उत्तरांचल का सवाल है तो मेरा एक मुंह का पुट भी उस राज्य की तरफ है क्योंकि मैं उत्तरांचल से ही सांसद हूं तो मैं उनसे कहना चाहूंगी कि जो आपकी चिंता है, वह मेरी चिंता है और उसमें बराबर की साझीदार होते हुए ज्यादा से ज्यादा काम हम उत्तरांचल में रेडियो के लिए करना चाहेंगे।

Vacancies in High Courts

*372. SHRI K. NATWAR SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that out of total sanctioned strength of 647 judges in country's 21 High Courts, over 150 posts of judges are still lying vacant;

(b) whether this is the main reason for mounting of cases pending with the various courts in the country;

(c) whether it is also a fact that neither the Law Commission's recommendations nor the repeated reminders of successive Chief Justices of the apex court have resulted in raising the strength of judges in the judiciary; and

(d) if so, the reasons for delay in implementing the recommendations of the Law Commission in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) to (d) Against the approved strength of 647 Judges in 21 High Courts, 505 Judges were in position as on 12.12.2002 leaving 142 vacancies to be filled up. While every efforts is made to fill up the existing vacancies expeditiously, vacancies do keep arising on account of retirement, resignation or elevation of Judges. Government has been periodically reminding the Chief Justices of High Courts, the Chief Justice of India and the Chief Ministers of the States to initiate proposals for filling up all vacant posts of Judges in the High Courts. They have been reminded last on October 28, 2002.

The pendency of cases in Courts could be ascribed to various factors which, *inter-alia*, include vacancies of judges, increase in fresh institution of cases, rise in population, heightened awareness of rights on the part of the citizens, granting of adjournments, industrial development in the country, increase in trade and commerce and socio-economic matters, legislative and administrative aspects touching on the lives of citizens, lawyers' strike etc.

The Law Commission in its 14th Report on Reform of Judicial Administration (1958) recommended that the strength of Judges of High Courts be fixed on the basis of the average annual institution of all types

of proceedings in a particular High Court during the previous three years and the strength so fixed should be reviewed at an interval of two or three years. The Supreme Court in their judgement in the Supreme Court Advocates-On-Record Association and Anr. v/s. Union of India, has held that it is necessary to make a periodic review of the Judge strength of every High Court with reference to the felt need for disposal of cases, taking into account the backlog and the expected future filing. The meeting of the Chief Ministers of the States and the Chief Justices of the High Courts on December 4, 1993 resolved that for effectively dealing with arrears of pending cases, the Government should undertake review of the optimum strength of the Judges in each High Court once in three years, in consultation with the constitutional functionaries in the States concerned and the Chief Justice of India. Accordingly, the Judge strength is reviewed every three years. The judge strength was last reviewed in 1999 and 43 posts of judges were approved in various High Courts. The next review, due in 2002, would be completed shortly.

SHRI K. NATWAR SINGH: Sir, in first half of the statement, it is stated: "Against the approved strength of 647 Judges in 21 High Courts, 505 Judges were in position as on 12.12.2002, leaving 142 vacancies to be filled up", that is, about one-fourth. Then, in the last sentence says "The next review, due in 2002, would be completed shortly". When you were talking of a review, was this figure of 12.12.2002 in your mind or you are talking of an independent review? Could you please clarify?

SHRI RAVI SHANKAR PRASAD: Sir, as far as the review of judges' strength is concerned, it is done every three years. But, as far as appointment in regard to the existing vacancies is concerned, this year, we have already appointed 74 judges to different High Courts. As of now, 70 vacancies are in the process of being filled up. Those are completely independent. As far as the review part is concerned, you have to get feedback from the judges, the Chief Justices of various High Courts, the State Governments, and then you have to take a structured view. This is going on and it will be completed shortly.

SHRI K. NATWAR SINGH: No, Sir, I am somewhat confused. The hon. Minister is a very bright young man. Here he says that there are 142 vacancies, as on 12.12.2002. But you just now said that there are 70 vacancies. The other thing is that, the next review is due in 2002. Today, it is 16th of December. Is the review completed or is it still due?

SHRI RAVI SHANKAR PRASAD: Sir, Shri Natwar Singh is a very senior hon. Member. I think he would understand. We have said very clearly in our reply "it will be completed shortly". This review is a comprehensive process wherein we have to consult the State Governments, the hon. Chief Justices of different High Courts. We have to see the workload. All these things will come to a structured view. It will be done shortly.

SHRI FALI S. NARIMAN: Thank you, Mr. Chairman, Sir. Has the hon. Minister considered that one cause of delay, apart from all these vacancies, etc., could be remedied by resorting to *ad hoc* appointment of Judges, which our Constitution permits? Therefore, when a Judge of a High Court retires at the age of 62—his age of retirement is known—it is possible, if you can't immediately find a suitable person and fill up the vacancy, to allow that particular person to continue on *ad hoc* basis so that there would be no vacancy as such, until you find a suitable person.

The second point, which I have suggested repeatedly to the Chief Justices of India and the Law Ministers, is that competent people and practitioners, in large cities, will be willing to accept appointments on *ad hoc* basis, even for two or three years, at the request of the Law Minister, and they would be able to clear up the arrears far quicker than the persons who are relatively less experienced.

SHRI RAVI SHANKAR PRASAD: Sir, Shri Nariman is one of the most respected jurists in the country and his views are entitled to respect. As of now, judicial appointment is done through a consultation process where the entire matter is initiated by the Chief Justice of the concerned High Court. After the 1993 judgement of the Supreme Court, there has been a sea-change in the entire appointment process. Therefore, there is a consultation process of the Collegium of the High Court followed by the Collegium of the Supreme Court in the entire process.

As far as appointment of Judges on *ad hoc* basis is concerned, it is a matter for the Chief Justice of the concerned High Court to initiate. If the matter is initiated by the Chief Justice concerned, the Government would certainly suitably reply to it. It is a matter for review or consideration.

As far as the question relating to appointment of bright young lawyers or good lawyers is concerned, it is again a matter which will be given

serious consideration, provided it is initiated at the level of the Chief Justice in the context of the existing Constitutional scheme.

DR. L.M. SINGHVI: Sir, has the hon. Minister taken care to consider the recommendations made by the Standing Committee of the Parliament and the recommendations made by the Sub-Committee, of which I was the Convenor, with regard to these matters? Will the Minister agree that the large number of unfilled vacancies constitute clear evidence of the failure of the system, created by the Supreme Court in 1993.

SHRI RAVI SHANKAR PRASAD: Sir, as far as the Standing Committee recommendations are concerned, they are quite well known and the Standing Committee has noted that, as of now, the role of Government in judicial appointment has become quite limited. We are all quite aware of that fact.

As far as the breakdown of the system is concerned, I would like to assure the hon. Member, who is a very eminent jurist, that we shall do our best to ensure that there is no breakdown in the system. The Government keeps on reminding the hon. Chief Justice, from time to time, that steps must be taken to initiate the proposal. The last letter from the Law Ministry was written in October. Therefore, we will make our best efforts to ensure that the system works properly.

SHRI H.R. BHARDWAJ: Sir, this has not been understood in the correct perspective. There are two aspects of the question. One is the review of the strength of the Judges in the High Courts and the Supreme Court. It was agreed between the President of India and the Judiciary that every three years, the strength would be reviewed. On the basis of that, you create additional vacancies depending on the backlog in various High Courts. There is no difficulty. The Government, from time to time, reviews the strength, according to the recommendations, of the Chief Justice of the Supreme Court, and creates additional vacancies. But the problem is that we are not able to fill the permanent vacancies and they remain unfilled for years and years. I would like to know from the hon. Minister whether he is adhering to the Memorandum of Procedure agreed between the Chief Justice of India and the President. All the Constitutional functionaries have to obey the mandate of the Memorandum of Procedure and reply within the stipulated time. Most of the State Governments do not observe it. Even the Chief Justice of the Supreme Court does not

obey the agreed terms of procedure. Therefore, the remedy lies in the Ministry implementing the Memorandum of Procedure. There was time when there was nil vacancy. So, adhere to the Memorandum of Procedure so that the agreed formula is applied. *Ad hocism* is not the answer to the question of filling the vacancies.

SHRI RAVI SHANKAR PRASAD: Sir, the hon. Member himself had been a Law Minister of great repute. He knows all the procedure. But, Sir, as the nodal Ministry, our responsibility is certainly to remind the various consulting authorities about the time-frame. Yes, I do see his point that, in many cases, the time factor has not been properly observed. As the Government, we enjoin on all the consulting authorities that this should be observed and we shall continue to emphasise upon that.

श्रीमती सरोज दुबे: सर, महिला जजों के बारे में भी इनसे पूछिए, एक भी महिला जज नहीं है।

श्री सभापति: देखिए, यह तरीका ठीक नहीं है। आप जो मर्जी सो बोलेंगे? ...(व्यवधान)...

श्रीमती सरोज दुबे: महिलाओं के संबंध में...

श्री सभापति: आप पहले एप्लाई करो, फिर सिफारिश करूंगा।

Concession in bus travel for mentally retarded

*373. SHRIMATI SUMITRA MAHAJAN: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether it is a fact that a long-time demand for concession in bus travel to the mentally retarded persons has not been met; and

(b) if so, the reasons therefor and by when Government propose to instruct the concerned authorities to give concession/free travel facilities to mentally retarded persons alongwith an escort as is available while traveling by rail?

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA): (a) and (b) Granting of concession in bus travel to the mentally retarded persons comes under the purview of the State Governments/U.T. Administrations. State Governments